



Roll Call Number

23-0125

Agenda Item Number

30 ✓

Date January 23, 2023

HOLD HEARING FOR APPROVAL OF THE SIXTH AMENDMENT TO REAL ESTATE LEASE AND ASSET TRANSFER AGREEMENT WITH THE DES MOINES AIRPORT AUTHORITY TO EXCLUDE EXCESS PROPERTY ADJOINING FLEUR DRIVE BETWEEN HIGHVIEW DRIVE AND MCKINLEY AVENUE

WHEREAS, on October 10, 2011, by Roll Call No. 11-1733, the City Council of the City of Des Moines approved the Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority (“Airport Authority”) leasing all airport land and transferring outright all other City-owned aviation assets to the Airport Authority; and

WHEREAS, on January 27, 2020, by Roll Call No. 20-0131, the City Council authorized submission of a RISE grant application for the Airport Authority’s Cowles Drive Reconstruction Program Project; and

WHEREAS, the Airport Authority’s Cowles Drive Reconstruction - Phase 1 Project included the relocation of the main terminal entrance onto Cowles Drive from Fleur Drive to the south, and construction of a dedicated right turn lane from southbound Fleur Drive onto Cowles Drive including site grading, pavement, and utilities; and

WHEREAS, on March 21, 2022, by Roll Call No. 22-0461, the City Council of the City of Des Moines approved the Fifth Amendment to the Real Estate Lease and Asset Transfer Agreement authorizing the re-dedication of a portion of Airport leased property as street right-of-way and the addition of a portion of vacated Fleur Drive right-of-way to the Airport’s leased property; and

WHEREAS, upon completion of the Cowles Drive Reconstruction - Phase 1 Project it was determined that an excess amount of Fleur Drive right-of-way was vacated and added to the Airport’s leased property resulting in the need to further amend the Real Estate Lease and Asset Transfer Agreement (hereinafter “Agreement”) to remove two small portions of Airport property from the Agreement and rededicate each as Fleur Drive right-of-way; and

WHEREAS, on January 9, 2023, by Roll Call No. 23-0025, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed Sixth Amendment to the Real Estate Lease and Asset Transfer Agreement and the dedication of Fleur Drive right-of-way be set for hearing on January 23, 2023, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to amend said Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority to exclude two small portions of Airport property, as legally described below, and to rededicate such property as additional Fleur Drive street right-of-way was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal:



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PARCEL 2022-1218 DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 29, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 29; THENCE NORTH 00° 05' 06" WEST, 1139.39 FEET ALONG THE EAST LINE OF THE WEST HALF OF SAID SECTION 29; THENCE SOUTH 89° 54' 54" WEST, 65.42 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF FLEUR DRIVE, ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 06° 53' 31" WEST, 49.20 FEET; THENCE NORTH 01° 52' 34" EAST, 153.50 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE SOUTH 00° 05' 06" EAST, 173.45 FEET ALONG SAID WEST RIGHT-OF-WAY LINE; THENCE SOUTH 01° 14' 03" EAST, 28.81 FEET CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 525 SQUARE FEET OR 0.01 ACRES MORE OR LESS.

FOR THE PURPOSE OF THIS DESCRIPTION, ALL BEARING AND DISTANCES ARE REFERENCED TO NAD83(2011) IA SPCS SOUTH ZONE, US SURVEY FOOT.

AND

PARCEL 2022-1219 DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 29, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 29; THENCE NORTH 00° 05' 06" WEST, 212.20 FEET ALONG THE EAST LINE OF THE WEST HALF OF SAID SECTION 29; THENCE SOUTH 89° 54' 54" WEST, 60.50 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF FLEUR DRIVE, ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 12° 22' 53" WEST, 45.08 FEET; THENCE NORTH 12° 13' 13" EAST, 41.09 FEET; THENCE NORTH 04° 56' 06" EAST, 72.50 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE SOUTH 03° 03' 01" WEST, 100.58 FEET ALONG SAID WEST RIGHT-OF-WAY LINE; THENCE SOUTH 00° 05' 06" EAST, 55.98 FEET CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 529 SQUARE FEET OR 0.01 ACRES MORE OR LESS.

FOR THE PURPOSE OF THIS DESCRIPTION, ALL BEARING AND DISTANCES ARE REFERENCED TO NAD83(2011) IA SPCS SOUTH ZONE, US SURVEY FOOT.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed Sixth Amendment to Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority, as described herein, are hereby overruled and the hearing is closed.
2. That the Sixth Amendment to Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority on file in the office of the City Clerk leasing property owned by the City of Des Moines, Iowa, to the Des Moines Airport Authority is hereby approved.
3. That the Mayor be and is hereby authorized and directed to sign the Sixth Amendment to Real Estate Lease and Asset Transfer Agreement between the City of Des Moines, Iowa and the Des Moines Airport Authority, and the City Clerk is hereby authorized and directed to attest the Mayor's signature.
4. There are no proceeds associated with this action.

Moved by Mandelbaum to adopt. Second by Gatto.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		

J. M. Franklin Cownie Mayor

CERTIFICATE

I, Laura Baumgartner, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Laura Baumgartner
Laura Baumgartner, City Clerk